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and designated Nevada counsel for Estate of Tabas

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,
Debtor.

USA CAPITAL REALTY ADVISORS, LLC,
Debtor.

USA CAPITAL DIVERSIFIED TRUST DEED FUND,
LLC,
Debtor.

USA CAPITAL FIRST TRUST DEED FUND, LLC,
Debtor.

USA SECURITIES, LLC,
Debtor.

Affects:
☐ All Debtors
☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

Chapter 11

**EX PARTE APPLICATION FOR
2004 EXAMINATION OF
PERSON MOST
KNOWLEDGEABLE OF DEBTOR
USA COMMERCIAL
MORTGAGE COMPANY
(Affects USA CM ONLY)**

1 The Estate of Daniel Tabas and Fertitta Enterprises, Inc. ("Applicants"), through their
 2 respective counsel, Jonathan J. Bart, Esq., and Janet L. Chubb, Esq., of Jones Vargas respectfully
 3 request an Order directing the person most knowledgeable of Debtor, USA Commercial Mortgage
 4 Company to appear for oral examination, on ten (10) days notice, pursuant to Bankruptcy Rule
 5 2004, and in support thereof represents and alleges:

6 1. The examination of the person most knowledgeable of Debtor USA Commercial
 7 Mortgage Company is necessary to determine

8 a. the nature of the relationship between Debtor and Colt Gateway LLC, USA
 9 Capital Diversified Trust Fund, Fertitta Enterprises, Inc., and Daniel Tabas;

10 b. Debtor's relationship with and knowledge of the financial status of Colt
 11 Gateway LLC, and,

12 c. any other matter relevant to the direct loan to Colt Gateway LLC.

13 2. The Court may, for cause shown and on terms as it may impose, order the Debtor
 14 be examined under this Rule at any time or place it designates, whether within or without the
 15 district wherein the case is pending. Bankruptcy Rule 2004(d).

16 WHEREFORE, the Applicants, respectfully request that the Court issue an order directing
 17 person most knowledgeable of Debtor USA Commercial Mortgage Company to appear for oral
 18 examination, on ten days notice, at the offices of Jones Vargas, 3773 Howard Hughes Parkway, 3rd
 19 Floor South, Las Vegas, NV 89169, pursuant to Bankruptcy Rule 2004.

20 DATED: January 25, 2007.

21 WILENTZ GOLDMAN & SPITZER P.A.

JONES VARGAS

22 //s//Jonathan J. Bart
 23 JONATHAN J. BART, ESQ.

//s//Louis M. Bubala III
 JANET L. CHUBB, ESQ.
 LOUIS M. BUBALA III, ESQ.